

कार्यालय : मुख्य निर्वाचन अधिकारी, उत्तराखण्ड
4 - सुमाष रोड, सचिवालय परिसर, देहरादून - 248001

फोन नं० (0135) - 2712055, 2713551

फैक्स नं० (0135) - 2712014, 2713724

संख्या /298/25-XXV-1(1-3)/2008

देहरादून : दिनांक 3 सितम्बर, 2008

सेवा में,

1. मण्डलायुक्त,
गढ़वाल/कुमायूँ।
2. समस्त जिलाधिकारी/
जिला निर्वाचन अधिकारी,
उत्तराखण्ड।

विषय- मतदान कार्मिकों द्वारा कानून एवं निर्देशों की अवहेलना किये जाने पर की जाने वाली कार्यवाही के संबंध में।

महोदय/महोदया,

उपरोक्त विषयक आयोग के पत्र संख्या 4/2008/JS-II दिनांक 19 अगस्त 2008 की प्रति संलग्न करते हुए मुझे यह कहने का निदेश हुआ है कि निर्वाचनों के दौरान मतदान कार्मिकों द्वारा कानून/नियम, आदर्श आचार संहिता एवं भारत निर्वाचन आयोग के निर्देशों की अवहेलना किये जाने पर ऐसे कार्मिकों के विरुद्ध आयोग द्वारा जारी निर्देशों के अनुरूप अनुशासनात्मक कार्यवाही की जायेगी।

कृपया तदनुसार आयोग के निर्देशों का भली-भाँति अध्ययन करते हुए यथासमय अनुपालन सुनिश्चित करने हेतु समस्त निर्वाचक रजिस्ट्रीकरण अधिकारियों/सहायक निर्वाचक रजिस्ट्रीकरण अधिकारियों, रिटर्निंग आफिसरों/सहायक रिटर्निंग आफिसरों आदि को अवगत कराने का कष्ट करें।

संलग्न-यथोपरि।

भवदीया,

(राधा रतूड़ी)

सचिव एवं

मुख्य निर्वाचन अधिकारी

पृ० संख्या /25-XXV-1(1-3)/2008, तददिनांकित।

प्रतिलिपि- पुलिस महानिदेशक, उत्तराखण्ड को आयोग के निर्देशों की प्रति सहित सूचनार्थ एवं तदनुसार यथासमय आवश्यक कार्यवाही हेतु प्रेषित।

(राधा रतूड़ी)

सचिव एवं

मुख्य निर्वाचन अधिकारी

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 4/2008/J.S.II

Dated: 19th August, 2008

To

JF.CEO

The Chief Electoral Officer of
all States/Union Territories

(राधा रतुली)
उचित एवं मुख्य निर्वाचन अधिकारी
इलाहाबाद शासन

Subject: Violation of law and instructions by election related officials -
action to be taken - regarding

22/8/2008

Sir/Madam,

I am directed to send herewith a copy of the Commission's O.M. No. 4/2008/J.S.II dated 30-7-2008, in the matter of disciplinary action against election officials for acts of omission and commission on their part, for your information. As per para 2 of the O.M., the Chief Electoral Officer is to closely monitor cases involving violations of laws, which result in police cases, so that the cases are intensely followed up.

Kindly acknowledge receipt of this letter.

Yours faithfully,



(K.F. WILFRED)
SECRETARY

Copy to Principal Secretaries /Zonal Secretaries

प्र. सं.
क. कायोग के द्वारा निर्देशों
की प्रती समस्त DEO के साथ-साथ
कायुक्त ग.क. तथा D.P. की प्रेषित
करने हेतु जम्मावली के साथ प्रेषित ।

(MWS)
उ. अ.
28/8/08

S/O
28/8/08

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001

No. 4/2008/JS II

Dated: 30th July, 2008

OFFICE MEMORANDUM

Subject: Disciplinary proceedings against officials appointed on election duty.

The Commission has considered the issue of fixing a uniform policy approach in the cases of disciplinary action against election officials. Disciplinary issues against election officials arise on account of violations of provisions of Law/Rules, Model Code of Conduct and instructions of the Commission and for omissions and commission on the part of the officials which adversely affect the smooth conduct of elections. Individual cases of disciplinary action against the election related officials will be handled by the Zonal Section dealing with the election to which the case relates. For uniform approach in such cases, the following guidelines have been prescribed:

1. In the case of disciplinary cases arising out of violations of Model Code of Conduct and the provisions of the law (Representation of the People Act, etc) :

- (i) In the cases involving senior level officials such as ERO, AERO, RO, ARO, DEO, ADM, SP, DSP, RCS, etc., the cases of violation of law should be treated differently as compared to junior level functionaries. In the case of such senior level officers, the approach should be to take exemplary disciplinary action, so that the signal goes loud and clear to all other officials that there would be zero tolerance on such violation affecting election management.

- (ii) The cases involving junior level staff functionaries, such as clerical cadre constables, etc. appropriate disciplinary action should be taken on the basis of facts and the gravity of the case, keeping in view the fact that action against such junior level functionaries do not reverberate in terms of signals beyond a limited jurisdiction. Out of these, any case of partisan behavior should be viewed seriously as distinguished from procedural lapses, which may be viewed differently.

2. In disciplinary cases involving major seizure of cash and other materials in election related matters:

- (i) Exemplary disciplinary action should be taken against officials at all levels who are involved in omissions and commissions related to violation of laws & instructions in such cases.
- (ii) The CEO of the concerned State should be directed to monitor and intensely follow up such cases involving violations of laws related to election management, which results in police cases.

3. Disciplinary action against officials representing the Election Commission of India.

- (i) District Election Officer (DEO), Returning Officer(RO), Electoral Registration Officer(ERO), etc. have the most important and sensitive statutory as well as managerial role in the conduct of free and fair elections. In the case of violation, of instructions, omissions and commissions by these officials, especially ROs and EROs, exemplary disciplinary action should be taken so as to ensure that the purity of the election process is upheld.
- (ii) The observers, are senior Officers selected from the premier services of the country and they directly represent the Election

Commission. Hence for willful violations by them severe disciplinary action should be taken. For minor lapses or transgressions, warnings can be issued, if the officer concerned shows contrition and makes amends for any loss to exchequer.

(K.F. WILFRED)
SECRETARY

Standard Distribution.